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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 JOEY TORREY,

11 Plaintiff,

No. CIV S-05-0388 LKK DAD P

12 vs.

13 FEDERAL BUREAU OF  
14 INVESTIGATION LAS VEGAS  
NEVADA DIVISION, et al.,

15 Defendants.

ORDER

16 \_\_\_\_\_/  
17 Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action  
18 seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate  
19 Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

20 On February 22, 2006, the magistrate judge filed findings and recommendations  
21 herein which were served on all parties and which contained notice to all parties that any  
22 objections to the findings and recommendations were to be filed within fifteen days. Neither  
23 party has filed objections to the findings and recommendations.

24 The court has reviewed the file and finds the findings and recommendations to be  
25 supported by the record and by the magistrate judge's analysis.

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1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The findings and recommendations filed February 22, 2006, are adopted in  
3 full;

4 2. Defendants' June 29, 2005 motion to dismiss is granted, plaintiff's contract  
5 claims are dismissed without prejudice to the filing of an action in the United States Court of  
6 Federal Claims, plaintiff's common law tort claims are dismissed without prejudice to the filing  
7 of a new judicial action after filing an FTCA claim and exhausting his administrative remedy,  
8 and plaintiff's constitutional tort claims are dismissed with prejudice;

9 3. Plaintiff's August 2, 2005 motion for temporary restraining order is denied; and

10 4. This action is dismissed.

11 DATED: March 27, 2006.

12  
13 /s/Lawrence K. Karlton  
14 UNITED STATES DISTRICT JUDGE

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